



State of New Jersey
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Thomas R. Betancourt
Administrative Law Judge

November 14, 2017

Via Email

Julie Warshaw, Esq.
Warshaw Law Firm, LLC
266 King George Rd., Ste. C2
Warren, NJ 07059

Jodi S. Howlett, Esq.
Cleary, Giacobbe, Alfieri & Jacobs
5 Ravine Drive
Matawan, NJ 07747

**Re: F.H. and M.H. On Behalf of J.H. v. West Morris Regional High School
District BOE
OAL Dkt. No.: EDS 10706-17**

Dear Counsel:

Enclosed please find an Order entered in the above-referenced matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas R. Betancourt", with a long, sweeping horizontal line extending to the right.

THOMAS R. BETANCOURT
Administrative Law Judge

TRB/db
Encl.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER

OAL DKT. NO. EDS 10706-17

AGENCY DKT. NO. 2017/26311

F.H. AND M.H. ON BEHALF OF J.H.,

Petitioner,

v.

**WEST MORRIS REGIONAL BOARD OF
EDUCATION,**

Respondent.

Julie Warshaw, Esq., appearing for Petitioner (Warshaw Law Firm, LLC,
attorneys)

Jodi Howlett, Esq., appearing for Respondent (Cleary, Giacobbe, Alfieri,
Jacobs, attorneys)

BEFORE THOMAS R. BETANCOURT, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner filed a Due Process Petition on June 5, 2017, with Office of Special Education Programs (OSEP) in the New Jersey Department of Education (DOE). OSEP transmitted the contested case pursuant to N.J.S.A. 52:14B-1 to 15 and N.J.S.A.

52:14f-1 TO 13, to the Office of Administrative Law (OAL) where it was filed on July 28, 2017.

A prehearing conference was held on August 11, 2017, and a prehearing Order was entered on the same date.

Petitioner filed a motion for summary decision on September 20, 2017. Said motion is held in abeyance pending my decision on the present motion for leave to amend the due process petition, which was filed with the OAL October 23, 2017.

LEGAL ANALYSIS

N.J.A.C. 1:1-6.2(a) states: Unless precluded by law or constitutional principle, pleadings may be freely amended when, in the judge's discretion, an amendment would be in the interest of efficiency, expediency and the avoidance of over-technical pleading requirements and would not create undue prejudice.

This rule is liberally applied. Bd. of Educ. Of the Twp. Of Lakewood, Ocean County v. New Jersey Department of Education, Division of Finance, EDU 8816-98, 2000 WL 1523029, at *3 (EFPS 2000).

N.J.A.C. 6A:14-2.7(i) states: After a petition requesting a due process hearing is submitted to the Office of Special Education Programs, it may only be amended with the consent of the other party, or if an administrative law judge allows the party to amend the petition.

For the foregoing reasons, I **CONCLUDE** that the motion to amend should be **GRANTED**.

ORDER

Petitioner's motion seeking leave to amend the due process petition is **GRANTED**; and,

The Amended Petition for Due Process filed with the motion seeking leave to amend shall be the Amended Due Process Petition. The filing date of same shall be the date hereof; and,

Respondent shall file its answer to the Amended Petition for Due Process within ten days of the date hereof; and,

The following briefing schedule shall apply to the motion for summary decision filed by Petitioner:

Respondent's reply brief shall be filed on or before December 4, 2017;

Petitioner's sur-reply brief shall be filed on or before December 14, 2017.



November 14, 2017
DATE

THOMAS R. BETANCOURT, ALJ